

**REMARKS**

Applicant respectfully requests reconsideration of this application as amended. Claims 1-35, 57-59, and 63 were pending in the application. No claims have been amended. Claims 57-59 and 63 have been canceled.

The Examiner rejected Claims 1-35 under the judicially created doctrine of double patenting over Claim 43 of U.S. Patent No. 7,525,923. The examiner rejected Claims 22-35 under the judicially created doctrine of double patenting over Claim 43 of U.S. Patent No. 7,525,923, in view of U.S. Published Application No. 2003/0236827). Applicant herein files a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) to overcome the judicially created doctrine of double patenting. In view of the Terminal Disclaimer, Applicant respectfully submits that Claims 1-35 are in condition for allowance and respectfully requests the Examiner to indicate so.

Accordingly, Applicant respectfully submits that the rejection has been overcome by the amendments and the remarks and withdrawal of these rejections is respectfully requested. Applicant submits that Claims 1-35 are now in condition for allowance and such action is earnestly solicited.


## CONCLUSION

Applicants respectfully submit that the rejections have been overcome by the remarks, and that the pending claims are in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the pending claims be allowed.

Pursuant to 37 C.F.R. §1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 12/20, 2009

  
\_\_\_\_\_  
Michael J. Mallie  
Attorney for Applicants  
Reg. No. 36,591

1279 Oakmead Parkway  
Sunnyvale, California 94085  
(408) 720-8300